

NOVEMBER 14, 2007

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

07 C 6467

| | | |
|-------------------------------|---|----------|
| Karen Dieter |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. |
| |) | |
| HONEYWELL INTERNATIONAL, INC. |) | |
| |) | |
| Defendant. |) | |
| |) | |
| |) | |

**JUDGE NORGLE
MAGISTRATE JUDGE KEYS**

NOTICE OF REMOVAL

Defendant HONEYWELL INTERNATIONAL, INC. (“Defendant” or “Honeywell”), by and through its attorneys and pursuant to 28 U.S.C. §§ 1332 and 1441, hereby remove Case No. 07 L 29, *Karen Dieter v. Honeywell International, Inc.*, pending in the Circuit Court of Stephenson County, Illinois, to the United States District Court for the Northern District of Illinois, Western Division. In support of this Notice of Removal, Defendant states as follows:

1. On October 18, 2007, Plaintiff Karen Dieter (“Plaintiff”) served Defendant’s registered agent with a copy of a Summons and Complaint in an action in the Circuit Court of Stephenson County, Illinois entitled *Karen Dieter v. Honeywell International, Inc.*, Case No. 07 L 29. Copies of the Summons and Complaint are attached hereto as **Exhibit A**. These documents constitute all of the process, pleadings and orders served upon Defendant in this action to date.

2. Notice of Removal is being filed within thirty (30) days following receipt of the initial pleadings in accordance with 28 U.S.C. § 1446(b).

3. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §1332, based on the parties' diversity of citizenship and the amount in controversy, exclusive of interest and costs, exceeding \$75,000. The above-captioned action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441.

4. The parties are citizens of different states. Specifically, Plaintiff is a citizen of the State of Wisconsin (Complaint ¶3). Defendant Honeywell International, Inc. is incorporated under the laws of the State of Delaware and has its principal place of business in New Jersey. Therefore, the parties are diverse.

5. Plaintiff's Complaint alleges a claim for public policy retaliation allegedly arising from Plaintiff's pursuit of a worker's compensation claim. Plaintiff seeks damages in the form of lost wages and benefits, mental embarrassment and humiliation, and claims that Honeywell allegedly acted with "actual malice or reckless disregard." (Complaint ¶¶18-19). Although the Complaint does not specify the exact amount of these damages, there is a reasonable probability that the claim seeks damages in excess of the \$75,000 jurisdictional amount.

WHEREFORE, notice is hereby given of the removal of the above-captioned case, now pending in the Circuit Court for Stephenson County, Illinois, to the United States District Court for the Northern District of Illinois, Western Division, in accordance with the provisions of 28 U.S.C. §1441 *et seq.*

HONEYWELL INTERNATIONAL, INC.

By: Michael D. Ray
One of its Attorneys

Michael H. Cramer (6199313)
Michael D. Ray (6285109)
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
Two First National Plaza
Twenty-Fifth Floor
20 South Clark Street
Chicago, Illinois 60603-1891
(312) 558-1220

Date: November 14, 2007

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he caused a copy of the foregoing Notice of Removal to be served by fax and first class mail, postage prepaid this 14th day of November, 2007 upon:

Rene Hernandez, Esq.
Law Offices of Rene Hernandez, P.C.
Rockford, IL 61104

The undersigned attorney further certifies that he caused a copy of the foregoing Notice of Removal to be served by first class mail, postage prepaid this 14th day of November, 2007 upon:

Clerk
Circuit Court of the 15th Judicial Circuit—Stephenson County
15 N. Galena Ave.
Freeport, IL 61032

Michael D. Ray

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